AN OUTLINE OF THE RESPONSIBILITIES OF GENERATORS, CARRIERS AND RECEIVERS OF LIQUID INDUSTRIAL AND HAZARDOUS WASTE

Ontario

Ministry of the Environment

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85-6503/

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INTRODUCTION

In recent years the issue of hazardous wastes has become one of North America's most complex and controversial topics. Hazardous wastes are a part of our age. They are an unfortunate, but inevitable, by-product of our society and all components of society bear some share of the responsibility for these wastes.

In 1983, the Ontario Ministry of the Environment introduced a major initiative: the Blueprint for Waste Management in Ontario, a comprehensive set of policies and proposals for the management of all wastes, from household to hazardous. Through the Blueprint consultation process, the public, industry, environmental interest groups and all levels of government were invited to comment on the proposed plans. Overall, the responses displayed support for many of the concepts discussed in the Blueprint. All submissions were considered and many ideas and suggestions had been incorporated.

The new generator registration requirements, the expanded manifest system, and, indeed, the comprehensive approach for liquid and hazardous industrial waste management received general support. As a result, the Ministry has introduced amendments to the waste management regulations.

Some of the most valuable comments received during the Blueprint program came from key elements of the waste management field: the generators, carriers and receivers of hazardous wastes. This booklet has been developed as a guide for these groups. It is primarily a handbook to help in understanding and operating within the new regulations and the official guidelines. It also provides, for the general public, an outline of the care that is being taken under the new regulation, to protect our environment both for ourselves and our children.

CHAPTER I

OVERVIEW OF THE CHANGES IN THE REGULATORY REQUIREMENTS

Generator registration requirements, improved waste definitions, an expanded manifest system and carrier standards have been included in a revised version of Regulation 309.

The expansion of the existing program of requirements for generators, carriers and receivers of liquid industrial and hazardous wastes will enable the Ministry of the Environment to monitor waste from the moment of generation through to its ultimate destination.

All changes will be made on a phase-in basis to enable those affected to adapt to the new requirements.

Generator Requirements

The key to wise waste management is a firm monitoring and control program. With the introduction of the generator registration requirements, the Ministry of the Environment will be better able to carry out its responsibilities in these areas. Through the generator registration program, detailed profiles will be developed for each generator that will provide a solid basis for the entire waste management system.

Under the new requirements, generators of liquid industrial and hazardous wastes must:

- Register wastes with Environment Ontario.
- Ensure that carriers are certified.
- Use a manifest for each waste transaction.
- Select a waste treatment or disposal site.
- Follow up if the sixth copy of the manifest is not received.
- Accept any returned loads of waste.

Manifest (Waybill) System

The Provisions under the revised Regulation 309 that cover the manifest system provide a comprehensive approach to waste management. The provisions also serve as a means for generators to ensure that wastes are received by legitimate sites.

The manifest system was officially introduced in 1977 and has since undergone a number of modifications. The major changes incorporated into the revised Regulation are as follows:

- A sixth copy of the manifest has been added for the receiver to return to the generator.
- The time allowed for returning the Ministry's copies of the manifest has been changed from the vague "forthwith" to a specific "within 3-working days".
- All hazardous waste, both solid and liquid, as well as liquid industrial wastes are covered.

- The generators are responsible for loads that are refused by the intended receiver until another appropriate receiver can be found.
  The generator must identify the receiver on the manifest.
  The name "waybill" has been changed to "manifest" to provide consistency with Federal and U.S. legislation.

The new manifest (Form 1 in the Regulation) is available only to approved carriers who may obtain it from the regional or district offices of the Ministry of the Environment, where the carrier is located.

It is a 6 part form, divided as follows:

Copy 1	(WHITE)	- MINISTRY	(Generator to Ministry)
Copy 2	(GREEN)	- GENERATOR	(Retain for 2 years)
Copy 3	(YELLOW)	- MINISTRY	(Receiver to Ministry)
Copy 4	(PINK)	- CARRIER	(Retain for 2 years)
Copy 5	(BLUE)	- RECEIVER	(Retain for 2 years)
Copy 6	(BROWN)	- GENERATOR	(Receiver to Generator)

Hazardous Waste Definition

Under the revised waste management regulation, the definition and classification system for liquid industrial and hazardous wastes has become more specific. This will greatly reduce the likelihood of misinterpretation.

Wastes are classified using a testing/listing approach similar to that developed by the United States Environmental Protection Agency. Changes have been made to better suit Ontario's needs.

Certain exemptions are allowed for small quantities, recyclable materials and other specific waste streams.

CHAPTER II

GENERATOR RESPONSIBILITIES

REGISTRATION OF COMPANY AND WASTES PRODUCED

Under amendments to Regulation 309, passed in 1985, generators of liquid industrial and hazardous wastes are required to register their companies and wastes with the Ontario Ministry of the Environment. For detailed instructions on how to register, the reader should refer to the Ministry of the Environment publication "Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Wastes". This is available from all regional and district offices of the Ministry.

Who Should Register

The guidance manual, referred to above, provides a flow chart that assists generators in determining whether or not the wastes they produce are liquid industrial or hazardous and, therefore, are subject to the registration requirements.

All generators of waste are urged to use this chart and accompanying explanations. If the waste is non-hazardous solid, no more action is required. However, if the waste is hazardous or liquid industrial, the generator must register his company and the subject waste(s) with the Waste Management Branch of the Ministry of the Environment prior to September 17, 1986.

How To Apply For Registration

To receive a generator registration number and to register a waste class the generator should complete a Generator Registration Report (MOE Form 2), which is available from the Ministry's Waste Management Branch in Toronto or from any of the regional or district offices across the province.

The report requires the generator to give a general description of the process, identify the general physical and chemical characteristics of the waste, estimate the quantities produced and select a waste class and/or hazardous waste code. Further analysis relating to the characteristics may be required and, if so, the generator is responsible for carrying out and reporting on the tests. The names of the proposed carrier and receiver of the waste must also be supplied. Full details and line by line explanations for completing these forms are available in the guidance manual.

Assistance With Waste Stream Analysis

Although the Ministry will not be directly involved in providing the analytical data or evaluating wastes for generators, staff of the Industrial Section of the Waste Management Branch and/or the Abatement Sections of any of the regional or district offices will be available to offer further information and assistance in understanding the requirements.

Acknowledgement of Registration

The completed registration report must be mailed to the Waste Management Branch of the Ministry for initial review. If the form is complete and appears reasonable, the generator will be sent a document which will provide a generator registration number and acknowledge the waste class selected by the generator.

Following this initial review and the issuing of the registration document by the Ministry, the registration report will be sent to the Ministry's district office closest to the generator where a more detailed review will take place. This post registration audit could result in requests for further information and/or site visits by the district office staff.

It is the generator's responsibility to accurately evaluate and classify his waste. Although the Ministry will conduct a review of each registration report, this post registration audit does not reduce the generator's liability if a waste has been improperly classified and as a result improperly handled.

Changes In Characteristics Of The Waste

Registration is a one-time-only function unless there is a change to the characteristics of the waste, or a new waste is generated.

If there is a change to the process, or types of waste, the Director of the Waste Management Branch of the Ministry must be notified in writing. The generator may be asked to carry out further tests and new waste numbers could also be assigned.

In the case of a change to the property of a waste, to the extent that the original waste classification no longer applies because of an emergency, such as a process malfunction, then an appropriate waste number should be selected for the purposes of the manifest and should be phoned into the local Ministry of Environment District Officer for acknowledgement. If the District Officer agrees with the waste description and selected numbers, a generator registration number may be assigned over the telephone.

TRANSFERRING WASTES TO A CARRIER

Certified Carriers

Liquid industrial and hazardous wastes can only be transported by a carrier operating under a (Provisional) Certificate of Approval, issued by the Ministry of the Environment for the waste being hauled. The generator is responsible for ensuring that the carrier of his wastes is properly certified. Carriers must keep a copy of their Certificate of Approval in their vehicle and a generator should ask to see it. In addition, carriers are required to display the name of the company and the approval number on the side of each vehicle. For details of the carrier certification process see Carrier Responsibilities, Certificate of Approval, page 9.

The Manifest System

The generator is responsible for obtaining an intact manifest form from the carrier at the time wastes are transferred. These manifest forms are only supplied to certified carriers of liquid industrial and hazardous wastes by the regional and district offices of the Ministry of the Environment. For further details see Carrier Responsibilities, page 9.

At the time of transfer, the generator:

1. Ensures that Section B has been completed by the carrier.
2. Completes Section A which includes the name of the intended receiver.
3. Removes the first copy and, within three working days of the transfer, forwards it to the Director of the Waste Management Branch of the Ministry of the Environment.
4. Removes the second copy and retains it on file for a period of two years.
5. Gives back the four remaining copies of the manifest to the carrier.

Within two weeks of the transfer of the waste, the generator should have received back the sixth copy of the manifest from the receiver of his waste. If this does not happen, then the generator should contact the receiver to ensure that the waste did in fact reach its designated destination. If a generator is unable to trace the waste within four weeks of the waste transfer, the Director of the Waste Management Branch of the Ministry of the Environment must be notified.

Certified Receivers

The generator must ensure each receiver used is operating under a Ministry Certificate of Approval, and should ask to see the Certificate or ask for the number. If in doubt, the generator should contact the Environmental Approvals and Project Engineering Branch of the Ministry at 965-6421 for confirmation.

Receiver Refusal

If, for any reason, the intended receiver should refuse a load of waste, the generator is responsible for either finding an alternative approved receiver or for taking the waste back.

If the waste goes back to the generator, he automatically becomes the receiver and must obtain the four remaining copies of the manifest, indicate on the manifest that the waste was refused and distribute the copies as outlined under Receiver Responsibilities, The Manifest System, page 12.

It is suggested that to avoid the problem of having to take the waste back, generators should arrange a second facility in advance and the name of this back-up receiver be given to the carrier at the time of pick-up.

Transferring Wastes Across the Border

A generator located outside the Province of Ontario who chooses to ship liquid industrial or hazardous wastes to a receiver located within the Province must meet the requirements under Regulation 309. He must therefore register his site and wastes with the Ontario Ministry of the Environment. The regulation also applies to generators situated within the Province who wish to transfer their wastes to a receiver outside the provincial boundaries. See details under How To Apply For Registration, in this Section, page 5.

With regards to the manifest system, if the waste is being transferred between Ontario and any other jurisdiction, a manifest authorized under the Federal Transportation of Dangerous Goods Act may be used. However, if waste is being shipped through Ontario, i.e. both the generator and the receiver are located outside the Province, then the Regulation applies only in a modified form; the carrier must have a Certificate of Approval, issued by the Ontario Ministry of the Environment and must carry an equivalent manifest provided by either the generator's or the receiver's jurisdiction. These forms are not to be sent to the Ontario Ministry of the Environment but should be returned to the issuing jurisdiction. The waste does not have to be registered with the Ontario Ministry of the Environment.

ON-SITE DISPOSAL

Manifest forms are not necessary if a generator disposes of liquid industrial or hazardous wastes on the property where they are produced. However, aside from existing approval requirements, he must also still register himself and his wastes with the Ministry and keep accurate records. The records must be compatible with the manifest data that is required for generators shipping wastes off-site. For more details see How To Apply for Registration, in this Section, page 5.

CHAPTER III

CARRIER RESPONSIBILITIES

The carriers of liquid industrial and hazardous wastes hold an important position in the waste management field. They, with the new manifest system, tie together the various elements and activities.

Because of their integral role, standards for carriers and their vehicles have been extended under the revised waste management regulation to provide stricter control. The following describes some of the requirements.

VEHICLE AND OPERATOR STANDARDS

Certificate of Approval

Vehicles used for transporting liquid industrial and hazardous wastes should carry a copy of the Certificate of Approval, issued by the Ministry of the Environment, at all times.

Furthermore, the Certificate of Approval number, along with the company name must appear, in contrasting colors, on the outside of every vehicle that is part of the carrier's operations.

Ontario Dangerous Goods Transportation Act

Any vehicle used for transporting liquid industrial or hazardous wastes must be built and operated in accordance with the standards and requirements of the Ontario Dangerous Goods Transportation Act. Regulations under this act are available from the Ministry of Transportation and Communications - addresses are listed in Addendum I.

In addition to these detailed requirements, vehicles must be kept in a good state of repair to ensure that there is no waste leakage or emission of odors.

Driver Training

Driver training will be required through the regulatory amendments and will be the responsibility of the carrier concerned. However, to assist the companies and to ensure that all drivers of vehicles hauling liquid industrial and hazardous wastes are fully trained, the Ministry intends to prepare guidelines to address the scope of the training needs.

An outline of the driver training program adopted by each carrier must be submitted at the time when an application for a Certificate of Approval is submitted to the Ministry.

The training program should address:

- Safe operation of the vehicle and waste management equipment.
- Waste management legislation and regulations.
- Major environmental concerns pertaining to the types of waste being handled.
- Occupational health and safety concerns.
- Initial emergency response procedures.

TRANSFERRING OF WASTES FROM A CARRIER TO A RECEIVER

Intact Manifest Forms

Carriers are responsible for obtaining blank, intact manifest forms from their nearest regional or district office of the Ministry of the Environment.

The form numbers are recorded and issued to a specific carrier and cannot be borrowed from, or lent to, other carriers. When a carrier ceases to operate as a carrier of liquid industrial or hazardous wastes in Ontario he must immediately return the unused forms to the Director of the Waste Management Branch, Ministry of the Environment.

Any spoiled or voided manifest forms must also be returned to the Ministry. This should be done within three days of the spoiling of the forms.

In the case of a carrier using the services of a second carrier, the original carrier is responsible for ensuring that the substitute carrier holds a valid Certificate of Approval from the Ministry. The second carrier must, however, use his own manifest forms, i.e. the ones assigned by the Ministry.

Whenever carriers have liquid industrial or hazardous wastes in their possession, the respective manifest must accompany the load.

Distribution of Manifest Copies

At the time of initial transfer of liquid industrial or hazardous wastes the carrier completes Section B of the manifest and gives the intact manifest form to the generator of the wastes. The generator completes Section A and takes the first and second copies (first to be sent to the Waste Management Branch of the Ministry and the second for his own records).

The remaining four copies are to be given back to the carrier who passes them on to the receiver at the time of waste transfer. The receiver will complete Section C and distribute the copies as follows:

- Third copy to the Waste Management Branch, Ministry of the Environment.
- Fourth copy to the carrier.
- Fifth copy to file.
- Sixth copy to the generator.

The carrier should retain the pink copy (the fourth copy) for a period of two years.

Certified Receivers

It is the responsibility of the carrier to ensure that any liquid industrial or hazardous wastes which are in his control are transferred only to a receiver holding an Ontario Ministry of the Environment Certificate of Approval for the type of waste being transferred.

Receiver Refusal

When a receiver refuses to accept the waste consigned to him, it is the responsibility of the generator to take back the waste unless a suitable alternative is immediately available. This requirement does not apply if the waste has been mixed with other waste by the carrier.

The receiver must prepare a written refusal report and submit it to the Ontario Ministry of the Environment within three days.

If the generator takes back the waste, he then acts as the receiver and must take the remaining four copies of the manifest and distribute them in the same manner as would have been done by a receiver.

Loading/Unloading Liquid Industrial and Hazardous Wastes

Except in the case of an emergency, a carrier can only transfer liquid industrial and hazardous wastes from one vehicle to another at a facility operating under an appropriate Certificate of Approval issued by the Ministry.

An operator, either of the vehicle or the receiving facility, must be in attendance at all times during the loading and off-loading of wastes.

Transferring Wastes Across the Border

Regulation 309 applies to generators from outside Ontario who are shipping their wastes to a receiver located inside the provincial boundaries. As such, a carrier can only accept waste from a non-Ontario generator if the generator holds a current generator registration number issued by the Ontario Ministry of the Environment. Every generator must be registered.

When a carrier transfers waste between Ontario and another jurisdiction, a manifest form authorized under the federal Transportation of Dangerous Goods Act may be used. For wastes leaving Ontario to a Canadian destination that requires submission of the manifest copies, a photocopy can be sent to the Director for Compliance with Regulation 309.

For wastes shipped out of Canada, the receiver completes Section C and gives all but his own file copy (the 5th copy) back to the carrier for distribution as follows:-

- Third copy to the Waste Management Branch, Ministry of the Environment.
- Fourth copy, carrier retains for his files.
- Sixth copy to the generator of the waste.

If the wastes are being shipped through Ontario, i.e., the waste is neither generated nor disposed of in the Province, the regulation applies only in a modified form (see details under Generator Responsibilities, Transferring Wastes Across the Border, page 8).

CHAPTER IV

RECEIVER RESPONSIBILITIES

RECEIPT OF WASTES

Receiver Certificate of Approval

A receiver of liquid industrial or hazardous wastes must always operate under a valid Certificate of Approval issued by the Ministry of the Environment.

When receiving a load of waste, the receiver must ensure that the load is the same as that declared by the generator on the manifest and the waste type is consistent with the Certificate of Approval issued by the Ministry.

The Manifest System

If all is in order, the receiver should take the remaining four copies of the manifest and distribute as follows:

- Third copy to the Ministry within a period of three working days.
- Fourth copy to the carrier.
- Fifth copy to be retained on file for a period of two years.
- Sixth copy to the generator.

If there is a discrepancy or a problem with the waste that results in the load being refused by the receiver, the receiver must indicate the problem on the manifest and return all copies to the carrier.

Refusal Of A Load

If a load of liquid industrial or hazardous waste is refused for disposal then the generator of the waste has the responsibility of taking back the waste. The receiver that refused the waste must file a written refusal report with the Director of the Waste Management Branch, Ministry of the Environment within a period of three working days of the incident. The report must include the manifest number, the generator registration number, the carrier Certificate of Approval number and the reason for refusal.

Accepting Waste From Out Of Ontario

If a receiver is taking waste from a generator located outside of the Province of Ontario, he must ensure that the Ontario manifest or an equivalent form is being used and that the generator has registered the waste with the Ontario Ministry of the Environment. In most cases, a provincial number issued by the originating jurisdiction will be the number accepted by the Ministry . Having a provincial number assigned by the originating jurisdiction does not mean that the generator is registered with MOE. If the generator is not registered, then the waste must be refused.

Keeping Accurate Records

Under the regulation, manifests are to be retained in the receiver's file for a minimum of two years.

The Ministry uses a computerized receiver profile to identify the types of waste a receiver may accept under his Certificate of Approval. Information will be matched with incoming manifest information to identify any potential improper waste disposal activities.

CHAPTER V

HAZARDOUS WASTE AND LIQUID INDUSTRIAL WASTE DEFINITIONS

The revised waste management regulation introduces comprehensive definitions for hazardous and liquid industrial waste.

Prior to the amendments to Regulation 309, the interpretation of earlier definitions caused confusion because of their ambiguous and non-quantitative nature.

HAZARDOUS WASTE LISTING/TESTING APPROACH

This definition involves using a combined testing/listing approach developed by the U.S. Environmental Protection Agency "Hazardous Waste Rules" although changes have been made to better suit Ontario's needs. Details of the definition are included in the registration guidance manual.

LIQUID INDUSTRIAL WASTE SLUMP TEST

Waste resulting from industrial processes as well as manufacturing and commercial operations is classified as liquid industrial if it has a slump of more than 150 mm. The slump test method was adopted from the cement industry and is a measure of the ability of a waste to flow. The method is described in the waste management regulation.

HAZARDOUS WASTE LISTING COMMITTEE

The Ministry of the Environment is in the process of forming a hazardous waste listing committee. The committee will make recommendations to the ministry about hazardous waste listings. This process will include a delisting procedure whereby a generator may approach the committee to have its waste delisted because it has properties which are less than the criteria required for inclusion as a hazardous waste. Delisted wastes are considered non-hazardous. The applicant will have to submit detailed written material in support of the application and he will also be able to request an opportunity to present the argument verbally to the committee.

In addition, the committee will make recommendations for new wastes that are to be added to the hazardous waste lists in the regulation.

In order to be considered in force, all new listings and de-listings must appear as further amendements to the schedules in the regulation.

For further details contact the Waste Management Branch, Ministry of the Environment.

EXEMPTIONS

Small Quantities

Exemptions from legislative requirements exist within the hazardous and liquid industrial waste category, for small quantities such as those normally generated by households, laboratories and schools. These exemptions range from no exemption to five kilograms per month for hazardous wastes depending on the waste characteristic and the exemption is 25 litres per month for liquid industrial wastes.

Wastes meeting the small quantity exemption, should still be handled in accordance with good waste management practices. Guidelines for the management of small quantities of hazardous wastes are currently being prepared and will be available from the Waste Management Branch.

Other Exemptions

There are a number of additional exemptions provided in the regulation. They are outlined in the registration guidance manual.

ADDENDUM I

Ministry of the Environment
Regional and District Offices

Central Region

Toronto and York Durham District Offices
4th Floor
7 Overlea Boulevard
Toronto, Ontario
M4H 1A8
(416) 424-3000

Barrie District Office
12 Fairview Road
Barrie, Ontario
L4N 4P3
(705) 726-1730

Halton-Peel District Office
1226 White Oaks Boulevard
Oakville, Ontario
L6H 2B9
(416) 844-5747

Muskoka Haliburton District Office
Gravenhurst Plaza General Delivery
Gravenhurst, Ontario
P0C 1G0
(705) 687-3408

Peterborough District Office
139 George Street North
Peterborough, Ontario
K9J 3G6
(705) 743-2972

Northeastern Region

Sudbury District Office
11th Floor
199 Larch Street
Sudbury, Ontario
P3E 5P9
(705) 675-4501

North Bay District Office
Northgate Plaza
1500 Fisher Street
North Bay, Ontario
P1B 2H3
(705) 476-1001

Sault Ste. Marie District Office
445 Albert Street East
Sault Ste. Marie, Ontario
P6A 2J9
(705) 949-4640

Timmins District Office
83 Algonquin Boulevard West
Timmins, Ontario
P4N 2R4
(705) 264-9474

Northwestern Region

Thunder Bay District Office
P.O. Box 5000
3rd Floor
435 James Street South
Thunder Bay, Ontario
P7C 5G6
(807) 475-1315

Kenora District Office
P.O. Box 5150
808 Robertson Street
Kenora, Ontario
P9N 1X9
(807) 468-5578

Southeastern Region

Kingston District Office
P.O. Box 820
133 Dalton Street
Kingston, Ontario
K7L 4X6
(613) 549-4000

Belleville District Office
15 Victoria Avenue
Belleville, Ontario
K6H 1B1
(613) 962-9208

Cornwall District Office
2nd Floor
4 Montreal Road
Cornwall, Ontario
K6H 1B1
(613) 933-7402

Ottawa District Office
2378 Holly Lane
Ottawa, Ontario
K1V 7P1
(613) 521-3450

Southwestern Region

London District Office
985 Adelaide Street South
London, Ontario
N7E 1V3
(519) 681-3600

Owen Sound District Office
1180 - 20th Street
Owen Sound, Ontario
N4K 6H6
(519) 371-2901

Windsor District Office
6th Floor
250 Windsor Avenue
Windsor, Ontario
N9A 6V9
(519) 254-5129

Sarnia District Office
Suite 109
265 North Front Street
Sarnia, Ontario
N7T 7X1
(519) 336-4030

West-Central Region

Cambridge District Office
P.O. Box 219
400 Clyde Road
Cambridge, Ontario
N1R 5T8
(519) 623-2080

Welland District Office
637-641 Niagara Street North
Welland, Ontario
L3C 1L9

Hamilton District Office
Box 2112
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119 King Street West
Hamilton, Ontario
L8N 3Z9
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